## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

DANIEL UMPA, individually and on	)
behalf of all others similarly situated,	)
Plaintiff, v.	) Case No. 4:23-CV-00945 Honorable Stephen R. Bough
NATIONAL ASSOCIATION OF	)
REALTORS, ET AL.,	Oral Argument Requested
Defendants.	) )
	)
	)
	)
	)
	)

### CORPORATE DEFENDANTS' MOTION TO DISMISS

Defendants Compass, Inc., eXp World Holdings, Inc., eXp Realty, LLC, Weichert Realtors, Hanna Holdings, Inc., Douglas Elliman Inc., Douglas Elliman Realty, LLC, At World Properties, LLC, The Real Brokerage Inc., Real Broker, LLC, Realty One Group, Inc., Homesmart International, LLC, HomeServices of America, Inc., BHH Affiliates, LLC, HSF Affiliates, LLC, The Long & Foster Companies, Inc. and United Real Estate (collectively, "Corporate Defendants") respectfully move the Court to dismiss Plaintiff's Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Those Corporate Defendants who have separately moved to dismiss pursuant to Rule 12(b)(2) join this motion to dismiss pursuant to Rule 12(b)(6) in the alternative. In support, Corporate Defendants rely on the Suggestions submitted alongside this motion.

Dated: February 26, 2024

/s/ Daniel A. Sasse

Daniel A. Sasse (MO #48997) Chahira Solh (*pro hac vice*) CROWELL & MORING LLP 3 Park Plaza, 20th Floor Irvine, CA 92614 T: (949) 263-8400 F: (949) 263-8414 dsasse@crowell.com csolh@crowell.com

Attorneys for Defendant Compass, Inc.

#### Respectfully submitted,

/s/ Marc E. Kasowitz

Marc E. Kasowitz (pro hac vice)
Hector Torres (pro hac vice)
Kenneth R. David (pro hac vice)
KASOWITZ BENSON TORRES LLP
1633 Broadway
New York, NY 10019
T: (212) 506-1700
F: (212) 506-1800

mkasowitz@kasowitz.com htorres@kasowitz.com kdavid@kasowitz.com

Constantine "Dean" Z. Pamphilis

(pro hac vice)

J. Michael Wilson (*pro hac vice*) KASOWITZ BENSON TORRES LLP 1415 Louisiana Street, Suite 2100

Houston, TX 77002 T: (713) 220-8800 F: (713) 222-0843 dpamphilis@kasowitz.com mwilson@kasowitz.com.

Daniel P. Johnson (MO #68966)
Trina R. Ricketts (MO #46080)
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
700 W. 47th Street, Suite 500
Kansas City, MO 64112
T: (816) 471-1301
F: (816) 471-1303
trina.ricketts@ogletree.com
daniel.johnson@ogletree.com

Attorneys for Defendants Douglas Elliman Inc. and Douglas Elliman Realty, LLC

/s/ Leo D. Caseria

Leo D. Caseria (*pro hac vice*) Ann O'Brien (*pro hac vice*) Christopher Loveland (*pro hac vice*) SHEPPARD, MULLIN, RICHTER & /s/ Dylan I. Ballard

Michael W. Scarborough (*pro hac vice*) Dylan I. Ballard (*pro hac vice*) VINSON & ELKINS LLP 555 Mission Street, Suite 2000

#### HAMPTON LLP

2099 Pennsylvania Avenue, NW, Suite 100 Washington, DC 20006
T: (202) 747-1925
lcaseria@sheppardmullin.com
aobrien@sheppardmullin.com

Helen C. Eckert (*pro hac vice*)
SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP
Four Embarcadero Center, 17th Floor
San Francisco, CA 94111
T: (415) 434-9100
heckert@sheppardmullin.com

cloveland@sheppardmullin.com

Amanda Pennington Ketchum (MO #51011) DYSART TAYLOR COTTER MCMONIGLE & BRUMITT, P.C. 700 W. 47th Street, Suite 410 Kansas City, MO 64112 T: (816) 931-2700 aketchum@dysarttaylor.com

Attorneys for Defendant Realty One Group, Inc.

#### /s/ Tyson H. Ketchum

Tyson H. Ketchum ARMSTRONG TEASDALE LLP 2345 Grand Boulevard, Suite 1500 Kansas City, MO 64108 T: (816) 221-3420 tketchum@atllp.com

Stephen J. Siegel (pro hac vice)
Andrew D. Campbell (pro hac vice)
Elizabeth C. Wolicki (pro hac vice)
Julie Johnston-Ahlen (pro hac vice)
ARMSTRONG TEASDALE LLP
100 North Riverside Plaza
Chicago, IL 60606
T: (312) 419-6900
ssiegel@atllp.com
acampbell@atllp.com

San Francisco, CA 94105 T: (415) 979–6900 mscarborough@velaw.com dballard@velaw.com

Adam L. Hudes (pro hac vice)
Stephen M. Medlock (pro hac vice)
VINSON & ELKINS LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037
T: (202) 639-6500
ahudes@velaw.com
smedlock@velaw.com

William D. Beil (MO #33922) GM LAW PC 1201 Walnut Street, Suite 2000 Kansas City, MO 64106 T: (816) 471-7700 billb@gmlawpc.com

Attorneys for Defendant Weichert Realtors

#### /s/ David Marroso

David Marroso (pro hac vice)
Craig Bloom (pro hac vice)
O'MELVENY & MYERS LLP
1999 Avenue of the Stars, 8th Floor
Los Angeles, CA 90067
T: (310) 553-6700
dmarroso@omm.com
cbloom@omm.com

Stephen McIntyre (pro hac vice) O'MELVENY & MYERS LLP 400 South Hope Street, 18th Floor Los Angeles, CA 90071 T: (213) 430-6000 smcintyre@omm.com

Jennifer B. Wieland (MO #57271)

ewolicki@atllp.com jja@atllp.com

Michael Gehret (pro hac vice) ARMSTRONG TEASDALE LLP 222 South Main Street, Suite 1830 Salt Lake City, UT 84101 T: (801) 401-1600 mgehret@atllp.com

Francis X. Riley III (pro hac vice) SAUL EWING LLP 650 College Road East, Suite 4000 Princeton, NJ 08540-6603 T: (609) 452-3150 francis.riley@saul.com BERKOWITZ OLIVER LLP 2600 Grand Boulevard, Suite 1200 Kansas City, MO 64108 T: (816) 561-7007 F: (816) 561-1888 jwieland@berkowitzoliver.com

Attorneys for Defendants The Real Brokerage Inc. and Real Broker, LLC

Attorneys for Defendants eXp World Holdings, Inc. and eXp Realty, LLC

#### /s/ Jacob S. Madsen

Scott E. Anderson (pro hac vice)
Jacob S. Madsen (pro hac vice)
Matt N. Foree (pro hac vice)
Cameron Regnary (pro hac vice)
FREEMAN MATHIS & GARY LLP
100 Galeria Pkwy, Suite 1600
Atlanta, GA 30339
T: (770) 818-0000
F: (770) 937-9960
scott.anderson@fmglaw.com
jacob.madsen@fmglaw.com
mforee@fmglaw.com
cameron.regnery@fmglaw.com

John L. Mullen (MO #42309) Christopher M. Harper (MO #59000) FRANKE SCHULTZ & MULLEN, PC 8900 Ward Parkway Kansas City, MO 64114 T: (816) 421-7100 F: (816) 421-7915 jmullen@fsmlawfirm.com charper@fsmlawfirm.com

#### /s/ James D. Lawrence

James D. Lawrence (MO #53411)
BRYAN CAVE LEIGHTON PAISNER LLP
1200 Main St., Suite 3800
Kansas City, MO 64105
T: (816) 374-3200
jim.lawrence@bclplaw.com

Timothy R. Beyer (*pro hac vice*)
BRYAN CAVE LEIGHTON PAISNER LLP
1700 Lincoln Street, #4100
Denver, CO 80203
T: (303) 866-7000
tim.beyer@bclplaw.com

Lindsay Sklar Johnson (*pro hac vice*) BRYAN CAVE LEIGHTON PAISNER LLP 1201 W. Peachtree St., N.W., 14th Floor Atlanta, GA 30309-3471 T: (404) 572-6600 lindsay.johnson@bclplaw.com

Emilee L. Hargis (MO #69119) BRYAN CAVE LEIGHTON PAISNER LLP 211 N. Broadway, Suite 3600

# Attorneys for Defendant HomeSmart International, LLC

St. Louis, MO 63102 T: (314) 259-2028 emilee.hargis@bclplaw.com

Attorneys for Defendant United Real Estate

#### /s/ Elizabeth A. Vasseur-Browne

lbrowne@coolinglaw.com

Elizabeth A. Vasseur-Brown (MO #58491) COOLING & HERBES, P.C. 1100 Main Street, Suite 2400 Kansas City, Missouri 64105 T: (816) 474-0777 F: (816) 472-0890

Robert J. Palmersheim (pro hac vice)
Molly K. McGinley (pro hac vice)
Timothy G. Parilla (pro hac vice)
HONIGMAN LLP
155 North Wacker Drive, Suite 3100
Chicago, Illinois 60606
T: (312) 701-9300
F: (312) 701-9335
rpalmersheim@honigman.com
mmcginley@honigman.com
tparilla@honigman.com

Attorneys for Defendant At World Properties, LLC

#### /s/ Seth P. Waxman

Seth P. Waxman (pro hac vice)
Karin Dryhurst (pro hac vice)
Claire Bergeron (pro hac vice)
WILMER CUTLER PICKERING HALE
AND DORR LLP
2100 Pennsylvania Avenue NW
Washington, DC 20037
T: (202) 663-6000
seth.waxman@wilmerhale.com
karin.dryhurst@wilmerhale.com
claire.bergeron@wilmerhale.com

David Z. Gringer (pro hac vice)
Emily Barnet (pro hac vice)
WILMER CUTLER PICKERING HALE
AND DORR LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007
T: (212) 230-8800
david.gringer@wilmerhale.com
emily.barnet@wilmerhale.com

Robert Adams (MO #34612)
Michael S. Cargnel (MO #52631)
Hannah M. Smith (MO #73949)
SHOOK, HARDY & BACON LLP
2555 Grand Blvd.
Kansas City, MO 64108
T: (816) 559-2101
rtadams@shb.com
mcargnel@shb.com

Eric Soller (pro hac vice application forthcoming)
William Pietragallo II (pro hac vice application forthcoming)
Quintin DiLucente (pro hac vice application

forthcoming)
PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP
One Oxford Centre, 38th Floor
Pittsburgh, PA 15219
T: (412) 263-1836
EGS@Pietragallo.com
WP@Pietragallo.com
QD@Pietragallo.com

Counsel for Defendant Hanna Holdings, Inc.

## <u>/s/ Robert D. MacG</u>ill

Robert D. MacGill (pro hac vice)
Matthew T. Ciulla (pro hac vice)
J. Cecelia Satterthwaite (pro hac vice)
MACGILL PC
156 E. Market St. Suite 1200
Indianapolis, IN 46204
T: (317) 721-1253
Robert.MacGill@MacGillLaw.com
Matthew.Ciulla@MacGillLaw.com
Cecelia.Satterthwaite@MacGillLaw.com

Jay N. Varon (pro hac vice)
Jennifer M. Keas (pro hac vice)
FOLEY & LARDNER LLP
3000 K Street NW, Suite 600
Washington, D.C. 20007
T: (202) 672-5300
jvaron@foley.com
jkeas@foley.com

Brian C. Fries LATHROP GPM, LLP 2345 Grand Blvd. Suite 2200 Kansas City, MO 64108 T: (816) 460-5326 brian.fries@lathropgpm.com

Counsel for the HomeServices Defendants

## **CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2024, a copy of the foregoing document was electronically filed through the ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

/s/ Daniel A. Sasse

Daniel A. Sasse *Attorney for Defendant Compass, Inc.*